

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BARBARA L. PERKINS,

Plaintiff,

vs.

No. **CIV 02-1392 MCA/WDS**

**R. JAMES NICHOLSON,
SECRETARY OF VETERANS AFFAIRS,**

Defendant.¹

JUDGMENT

This action came before the Court for trial to the Court from August 2, 2004 through August 6, 2004. On July 6, 2005, the Court entered a *Memorandum Opinion and Order* finding in favor of Plaintiff Barbara Perkins on her claims of failure to accommodate, disparate treatment, and retaliation in violation of the Rehabilitation Act, 29 U.S.C. § 701 *et seq.*, and in favor of Defendant on all remaining claims. [See Doc. 88].

On August 12, 2005, the parties filed post-trial briefs on the issue of damages. [See Docs. 95, 96]. On May 5, 2006, the Court entered an *Order* awarding Plaintiff (1) \$150,000 in compensatory damages; (2) back pay and lawful interest thereon for the period of December 12, 2000 until March 26, 2001, during which time Plaintiff was on Leave Without Pay status (hereinafter, “the LWOP period”); (3) contributions into Plaintiff’s Thrift Savings

¹ Pursuant to Fed.R.Civ.P. 25(d), R. James Nicholson is substituted for Anthony J. Principi as Secretary of the Department of Veterans Affairs.

Plan account, including the Department of Veterans Affairs' automatic contribution and matching contributions, for the LWOP period; (4) a lump sum payment of annual leave for the LWOP period; and (5) a recredit of sick leave for the LWOP period. [Doc. 98]. In its *Order*, the Court ordered Defendant to make the necessary dollar and non-dollar calculations with respect to items (2), (3), (4), and (5).

In *Defendant's Response to the Court's May 5, 2006, Order* [Doc. 102], filed May 19, 2005, Defendant made the following dollar and non-dollar calculations with respect to the LWOP period:

Back pay: \$22,375.60, with interest in the amount of \$6,362.00;

Thrift Savings Plan contributions (both matching and Defendant's automatic): \$1,118.78;

Annual leave: 64 hours, at a total value of \$2,461.44; and

Sick leave: 32 hours.

[Id.].

On June 1, 2006, the parties filed a *Joint Motion for Entry of Stipulated Judgment Awarding Attorneys' Fees and Costs* [Doc. 104], in which they represented to the Court that

[t]he parties have negotiated and agreed upon the amount of One Hundred Eighty-Two Thousand Five Hundred Dollars (\$182,500.00) as the total amount payable to the plaintiff as the prevailing party for her reasonable attorneys' fees and costs through June 2, 2006, plus post-judgment interest thereon at the rate set by law.

[Id.]. The Court has determined that the *Joint Motion* is well taken and will be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Plaintiff Barbara Perkins be, and hereby is, awarded from Defendant the sum of one hundred fifty thousand dollars and zero cents (\$150,000) in compensatory damages;

IT IS FURTHER ORDERED that Plaintiff Barbara Perkins be, and hereby is, awarded from Defendant the sum of twenty-two thousand three hundred seventy five dollars and sixty cents (\$22,375.60) in back pay;

IT IS FURTHER ORDERED that Plaintiff Barbara Perkins be, and hereby is, awarded from Defendant the sum of six thousand three hundred sixty-two dollars and zero cents (\$6,362.00) in lawful interest on the award of back pay;

IT IS FURTHER ORDERED that Plaintiff Barbara Perkins be, and hereby is, awarded from Defendant as a contribution into her Thrift Savings Plan account the sum of one thousand one hundred eighteen dollars and seventy-eight cents (\$1,118.78);

IT IS FURTHER ORDERED that Plaintiff Barbara Perkins be, and hereby is, awarded from Defendant the amount of two thousand four hundred sixty-one dollars and forty-four cents (\$2,461.44), which amount represents the total dollar value of the 64 hours of annual leave Plaintiff would have accrued had she not been on LWOP status during the LWOP period;

IT IS FURTHER ORDERED that Defendant recredit Plaintiff Barbara Perkins a total of 32 hours in sick leave;

IT IS FURTHER ORDERED that the parties' *Joint Motion for Entry of Stipulated Judgment Awarding Attorneys' Fees and Costs* [Doc. 104] is **GRANTED** and that Plaintiff be, and hereby is, awarded from Defendant the sum of one hundred eighty-two thousand five hundred dollars and zero cents (\$182,500.00) for her reasonable attorneys' fees and costs through June 2, 2006, plus post-judgment interest thereon at the rate set by law.

SO ORDERED, this 28th day of June, 2006, in Albuquerque, New Mexico.


M. CHRISTINA ARMJO
United States District Judge